

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**U.S. Ethernet Innovations, LLC,**

**Plaintiff,**

**v.**

**Acer, Inc., Acer America Corporation, Apple, Inc., ASUS Computer International, ASUSTeK Computer Inc., Dell Inc., Fujitsu Ltd., Fujitsu America, Inc., Gateway, Inc., Hewlett Packard Co., HP Development Company LLC, Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Toshiba Corporation, Toshiba America, Inc., and Toshiba America Information Systems, Inc.,**

**Defendants.**

**Case No. 6:09-CV-448-LED**

**INTEL CORPORATION'S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF MOTION TO INTERVENE**

Intel's motion to intervene (Dkt. 107) is pending. USEI continues to oppose this motion, despite USEI's specific allegations against numerous Intel products in its Rule 3-1 Infringement Contentions.

USEI has now served two subpoenas on Intel seeking extensive discovery, as though Intel were a party in this case. One subpoena seeks a 30(b)(6) deposition of Intel on topics that essentially cover every aspect of the design, development, manufacture, marketing and sale of Intel's networking products implicated by USEI in this case, underscoring Intel's extensive involvement in this case. These topics also go beyond Intel's own products, and seek Intel's knowledge of the USEI patents in suit and earlier litigations relating to these patents, the inventors of the patents in suit, and even Intel's own licensing and indemnity policies. (See

Exhibit A, USEI Subpoena to Intel to Produce Documents.) USEI served a companion subpoena for production of documents on essentially the same topics. (Exhibit B, USEI Subpoena to Intel for Deposition.)

In short, USEI is treating Intel as a party for purposes of discovery while still trying to deny Intel the opportunity to participate in this case as a party. Intel requests that the Court grant its motion to intervene.

Dated: April 1, 2010

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ Garland T. Stephens

Garland T. Stephens, Lead Attorney  
(24053910)

David J. Healey (09327980)  
Benjamin C. Elacqua (24055443)  
John P. Brinkmann (24068091)

**FISH & RICHARDSON P.C.**

1221 McKinney Street  
Suite 2800  
Houston, TX 77010  
(713) 654-5300  
Fax: (713) 652-0109  
stephens@fr.com  
healey@fr.com  
elacqua@fr.com  
brinkman@fr.com

John W. Thornburgh  
Seth M. Sproul  
**FISH & RICHARDSON P.C.**  
12390 El Camino Real  
San Diego, CA 92130  
(858) 678-5070  
Fax: (858) 678-5099  
thornburgh@fr.com  
sproul@fr.com

Counsel for INTEL CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 1, 2010 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Stacci H. Mahadeo